

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON (AT TACOMA)

JEREMY WOLFSON,

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL
ASSOCIATION, its successors in interest
and/or Assigns; MTC FINANCIAL INC. d/b/a
TRUSTEE CORPS; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS
INC; MERSCORP HOLDINGS, INC.;
MAROON HOLDING, LLC;
INTERCONTINENTAL EXCHANGE, INC.;
FIRST MAGNUS FINANCIAL
CORPORATION, AN ARIZONA
CORPORATION
Does # 1-10, inclusive,

Defendants.

No. C17-6064 BHS

STIPULATED MOTION TO CONTINUE
DEADLINES AND SET DEPOSITION
AND ORDER THEREON

NOTE ON MOTION CALENDAR:
NOVEMBER 20, 2019

The parties stipulate and jointly move the Court to extend all pending deadlines set forth
in the Order Setting Bench Trial and Pretrial Dates (Docket No. 72) by approximately 90 days,

1 and to set the deadlines below for Mr. Wolfson to produce documents and appear at his
2 deposition. There is good cause for this motion. Plaintiff Jeremy Wolfson travels outside the
3 state of Washington frequently for business and will not be available for a deposition until
4 January 15 and 16, 2020. Currently, the deadline to complete discovery is January 21, 2020. A
5 continuance of the current deadlines in this case is necessary to complete discovery.

6 This motion is based upon the following stipulated facts:

- 7 1. On October 15, 2019, counsel for Defendant Bank of America, N.A. ("BANA") sent
8 Mr. Wolfson a subpoena to appear for deposition on November 6, 2019 at 10:00 am.
- 9 2. On October 16, 2019, Mr. Wolfson responded that he was out of state for work
10 during that time and requested that the deposition be set for the week of November
11 18-22, 2019. BANA informed Mr. Wolfson his request would be accommodated.
- 12 3. On October 23, 2019, an amended subpoena requiring production of documents and
13 appearance by Mr. Wolfson at a deposition scheduled for 10:00am on November 19,
14 2019 was provided to Mr. Wolfson. A notice of deposition was also provided to Mr.
15 Wolfson.
- 16 4. On November 18, 2019, Mr. Wolfson stated he was out of town and not available for
17 his deposition on November 19, 2019. Mr. Wolfson indicated that he was available
18 for a deposition on January 15 or January 16, 2020 and requested that the deposition
19 occur at that time.
- 20 5. A continuance of current deadlines is necessary to allow discovery to be concluded
21 and accommodate Mr. Wolfson's work schedule.

22 The parties stipulate and agree as follows:

- 23 A. BANA may serve Mr. Wolfson with a subpoena via email that provides Mr.
24 Wolfson will appear for his deposition at 10:00 am on January 16, 2020 at Capitol
25 Pacific Reporting, Inc. 1008 South Yakima Avenue, Suite 202, Tacoma, WA 98405.
26
27

1 B. The documents to be produced by Mr. Wolfson pursuant to the subpoena shall be
2 delivered to BANA's counsel no later than 10:00 am, January 16, 2020.

3 C. The parties request that the Court approve this stipulation and enter an amended
4 Order Setting Bench Trial and Pretrial Dates continuing the pending deadlines and
5 trial setting by approximately 90 days, or to such other dates as determined by the
6 Court. For convenience, the following deadlines reflect a continuance of
7 approximately 90 days:

8 THREE DAY BENCH TRIAL set for 9:00am- August 17, 2020

9 Disclosure of rebuttal expert testimony under FRCP 26(a)(2)- March 11, 2020

10 All motions related to discovery must be filed by- March 23, 2020

11 Discovery completed by- April 21, 2020

12 All dispositive motions must be filed by- May 20, 2020

13 Motions in limine should be filed with the Court by- July 27, 2020

14 Pretrial conference will be held at 11:00 am on- August 3, 2020

15 Trial briefs, proposed findings and conclusions and deposition designations
16 due by- July 28, 2020

17
18 THE FOLLOWING STIPULATION IS APPROVED BY THE COURT. IT IS SO
19 ORDERED.

20 Dated this ____ day of November, 2019.

21
22
23
24 _____
25 UNITED STATES DISTRICT JUDGE
26
27

1
2 *Stipulated and Agreed:*

3
4 WITHERSPOON KELLEY

5 By: /s/ Daniel J. Gibbons

Daniel J. Gibbons, WSBA #33036

6 Witherspoon Kelley

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7 Spokane, WA 99201

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9 Counsel for Bank of America, N.A., MERS
10 and Merscorp Holdings, Inc.

11 /s/ Jeremy Wolfson

12 Jeremy Wolfson

13 Plaintiff, pro se

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16 PETERSON RUSSELL KELLEY, PLLC

17 By: /s/ Michael S. DeLeo

18 Michael S. DeLeo, WSBA #22037

19 Peterson Russell Kelley, PLLC

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21 425-462-4700

mdeleo@prklaw.com

22 Counsel for MTC Financial, Inc. dba
23 Trustee Corps



CERTIFICATE OF SERVICE

I hereby certify that on the 20th November, 2019,

1. I caused to be electronically filed the foregoing STIPULATED MOTION TO CONTINUE DEADLINES AND SET DEPOSITION AND ORDER THEREON with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Jeremy Wolfson: jerwolfson@gmail.com
Michael S. DeLeo: mdeleo@prklaw.com
Fred B. Burnside: fredburnside@dwt.com
Frederick A Haist: frederickhaist@dwt.com

2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the address listed: **None.**

3. I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **None.**

4. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **None.**

s/ Daniel J. Gibbons
Daniel J. Gibbons, WSBA # 33036
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Mortgage Electronic Registration Systems, Inc.; and
Merscorp Holdings, Inc.*